



W.P.(MD).No.12660 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.12660 of 2023

P.Dharman

... Petitioner

Vs.

- 1.The District Collector,
Collectorate, Tenkasi District.
- 2.The Superintendent of Police,
Tenksi District.
- 3.The Deputy Superintendent of Police,
Sankarankovil, Tenkasi District.
- 4.The Revenue Divisional Officer,
Sankarankovil, Tenkasi District.
- 5.The Tahsildar,
Thiruvenkadam Taluk, Tenkasi District.
- 6.The District Registrar,
Palayamkottai, Tenkasi District.
- 7.The Sub-Registrar,
Kazhugumalai Sub-Registrar Office, Tenkasi District.
- 8.The Land Surveyor,
North Kuruvikulam,
Thiruvenkadam Taluk, Tenkasi District.



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9. The Inspector of Police,
Land Grabbing Special Cell,
Office of the Superintendent of Police,
Tenkasi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 8th respondent to measure and fix boundaries for the land situated at Tenkasi District, Thiruvenkadam Taluk, North Kuruvikulam comprised in S.No.157 and further direct the respondents 6 to 9 to cancel the sale deed Doc.No.3228/2020 before the Sub-Registrar of Kalugumalai on 17.12.2020 in consideration of the several representations dated 31.01.2023, 13.03.2023 and 04.05.2023 given by the petitioner.

For Petitioner : Mr.T.Kanagaraj

For Respondents : Mr.A.Kannan,

Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the official respondents.

2. The prayer sought for in the present Writ Petition is to direct the eighth respondent to measure and fix boundaries for the land situated at Tenkasi District, Thiruvenkadam Taluk, North Kuruvikulam comprised in S.No.157 and to further direct the respondents 6 to 9, to cancel the sale deed



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Doc.No.3228/2020 before the Sub-Registrar of Kalugumalai on 17.12.2020 in consideration of his representation dated 04.05.2023 given by the petitioner.

3. While Section 9 of the Tamil Nadu Survey and Boundaries Act, 1923, deals with the power of a Survey Officer to determine and record an undisputed boundary, Section 10 deals with such powers over disputed properties. The cost for such survey is required to be borne by the persons interested in the lands to be surveyed, as per Section 8 of the Act. Thus, when the Act empowers the concerned Survey Officer to comply with the request of a person seeking for survey or demarcation of boundaries of his land, he is required to comply with such a request within a reasonable time.

4. In the light of the above findings, there shall be a direction to the Tahsildar concerned to consider the petitioner's representation dated 04.05.2023 and conduct a survey in the subject lands, after receipt of the cost of the survey from the petitioner, if not already received, and after giving due notice to the registered holders of the land, as well as other persons who may be affected, owing to the survey to be conducted in the subject lands and the survey report thereof shall be communicated to all such persons, within a period of four weeks from the date of receipt of a copy of this order.



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5. With the above directions, the Writ Petition stands disposed of. No costs.

25.05.2023

NCC : Yes / No
Index : Yes / No

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To

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- 3.The Deputy Superintendent of Police, Sankarankovil, Tenkasi District.
- 4.The Revenue Divisional Officer, Sankarankovil, Tenkasi District.
- 5.The Tahsildar, Thiruvenkadam Taluk, Tenkasi District.
- 6.The District Registrar, Palayamkottai, Tenkasi District.
- 7.The Sub-Registrar, Kazhugumalai Sub-Registrar Office, Tenkasi District.
- 8.The Land Surveyor, North Kuruvikulam, Thiruvenkadam Taluk, Tenkasi District.
- 9.The Inspector of Police, Land Grabbing Special Cell, Office of the Superintendent of Police, Tenkasi District.



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M.S.RAMESH, J.

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